



1155 Avenue of the Americas
22nd Floor
New York, NY 10036-2711

T +1.212.262.6900
F +1.212.977.1649
PerkinsCoie.com

May 3, 2023

Adam R. Mandelsberg
AMandelsberg@perkinscoie.com
D. +1.212.261.6867
F. +1.212.399.8067

VIA ECF

The Honorable Joan M. Azrack
United States District Judge
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: Sampson v. National Board of Medical Examiners, 2:22-cv-05120 (E.D.N.Y.)

Dear Judge Azrak:

We are writing to inform the Court that the National Board of Medical Examiners (NBME) has decided to allow Robert Sampson to take the USMLE Step 1 examination as currently scheduled, and with his requested accommodations. He is registered to test on May 17 and May 18, 2023, and he will be allowed the following accommodations: (1) double testing time, (2) testing over two days, (3) a separate testing room, and (4) additional break time. There is nothing further that he needs to do in order to test on his chosen test dates and with his requested accommodations.

Mr. Sampson has been informed of this decision by NBME's Disability Services office. A copy of that communication is attached. We have also notified Mr. Sampson's counsel of this decision, by email.

The Court has scheduled a status conference for tomorrow morning at the request of Mr. Sampson's counsel, "to address the time-sensitive issues with respect to accommodations." (Dkt. 51). As those issues have now been resolved, there may no longer be a need for the status conference. We are of course prepared to participate, however, if the status conference is held.

Respectfully submitted,

/s/ Adam R. Mandelsberg
Adam R. Mandelsberg

cc: Charles Weiner (via ECF)
Mary Vargas (via ECF)
Michael Stein (via ECF)
Caroline Mew (via ECF)

ATTACHMENT



May 3, 2023

RE: USMLE Step 1

USMLE ID#: 5-385-624-1

Dear Robert Sampson:

We are writing to confirm that, notwithstanding the Order entered by the U.S. Court of Appeals vacating the mandatory preliminary injunction that had been issued on December 2, 2022, you will receive the following accommodations when you take the USMLE Step 1 exam on your upcoming testing dates: double testing time, testing over two days, additional break time, and a separate testing room.

We also want to confirm for you that you will receive the same accommodations if and when you take the Step 2 Clinical Knowledge exam and the Step 3 exam (although testing for Step 2 and 3 would take place over additional days).

Your Step 1 exam, currently scheduled for May 17 and 18, 2023, will include the following:

- **Additional testing time – double time, and additional break time:** The exam will be administered over two days.
 - **Day one** will be 8 hours and 45 minutes in length and will include a 30 minute tutorial and 7 blocks with approximately 20 questions per block.
 - **Day two** will be 8 hours and 15 minutes in length and will include 7 blocks with approximately 20 questions per block.
 - **You will have up to 60 minutes to complete each block.**
 - **You will receive 75 minutes of break time each day, including lunch.** You may use break time as needed between blocks. If you complete the tutorial or an examination block in less time than allotted, the unused time will be added to your available break time.
- **Separate testing room**

These accommodations may not be changed at the test center on your scheduled exam day. If you choose not to use these accommodations, please notify Disability Services immediately at disabilityservices@nbme.org or by calling 215-590-9700 for instructions.

Requesting Test Accommodations for Subsequent Step Examinations

Please notify the USMLE in writing each time you apply for a Step examination for which you are requesting test accommodations. Information and forms to request test accommodations on subsequent USMLE administrations are available at <https://www.usmle.org/step-exams/test-accommodations/forms>.

If you have any questions, please let us know.

Thank you.

Sincerely,

Disability Services